UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,098	10/29/2003	David J. Lineman	5670-29	6619

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EXAMINER
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ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/696,098	LINEMAN, DAVID J.
Office Action Summary	Examiner	Art Unit
	Jeffrey R. Swearingen	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 November 2007</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-10,12,13,15-23 and 25-31</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1,3-10,12,13,15-23 and 25-31</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This case has been reassigned to a new examiner.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 13, 15-23, 25, 27-28, and 30-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 and its dependent claims are to an application access system. The claims are software *per se*, and are not embodied upon any hardware. Software *per se* is not statutory subject matter unless embodied in a hardware form. Claim 25 and its dependent claims are to a computer program product comprising a computer readable storage medium. Applicant has expanded the definition of computer readable storage media to encompass non-statutory transmission media. Specification, page 7, lines 1-5.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1, 3-10, 12-13, 15-23, and 25-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Dahm et al. (US 6,466,783 B2).

7.   In regard to claims 1, 13, 25, Dahm disclosed:

receiving a user access request from a user at a server associated with the network password and/or account privileges management self-service application; column 10, lines 30-51

determining whether a protocol of the received request is a wireless or wired protocol; column 5, line 63 – column 6, line 10; column 6, lines 11-23. Dahm specifically specifies the use of both wired and wireless networks. Column 6, lines 1-3. Column 9, lines 46-64

formatting the received request to a common format for processing by the self-service application; and column 6, lines 11-23

selectively transmitting a responsive query including a challenge question to validate the user access request from the self-service application to the user based on the wireless protocol when the received request is a wireless protocol request and based on the wired protocol when the received request is a wired protocol based on whether the received request is determined to be the wireless or wired protocol. Column 10, lines 30-51

8.   In regard to claims 3, 15, Dahm disclosed:

formatting the responsive query based on the wireless protocol when the received request is the wireless protocol request and based on the wired protocol when the received request is the wired protocol request; and column 8, lines 9-59

transmitting the formatted responsive query.

9.   In regard to claims 4, 16, Dahm disclosed:

wherein the wireless protocol comprises a wireless access protocol (WAP) and wherein the wired protocol comprises a Hypertext Transfer Protocol (HTTP). Column 7, lines 26-30; column 8, lines 34-35; column 9, lines 62-64

10.   In regard to claims 5, 17, Dahm disclosed:

wherein the wireless access protocol uses wireless mark-up language (WML) and wherein the wired protocol uses hypertext mark-up language (HTML). Column 7, lines 26-30; column 8, lines 34-35

11.   In regard to claims 6, 18, Dahm disclosed:

> *wherein the common format comprises a data format of the self-service*
>
> *application and wherein formatting the responsive query includes receiving the*
>
> *responsive query from the self-service application in the data format of the self-service*
>
> *application* column 6, lines 11-23.

12.   In regard to claims 7, 19, Dahm disclosed:

> *wherein the formatted response query comprises a text query and the user*
>
> *access request comprises another text query.* Column 6, lines 11-23

13.   In regard to claims 8, 20, Dahm disclosed:

> *wherein the user access request comprises a user identifier and wherein the*
>
> *responsive query comprises a challenge question selected based on the user identifier to*
>
> *validate the user access request.* Column 10, lines 30-51

14.   In regard to claims 9, 21, Dahm disclosed:

> *receiving a response to the challenge question from the user at the server*
>
> *associated with the self-service application;* column 10, lines 30-51
>
> *determining whether the received response to the challenge question is the*
>
> *wireless or wired protocol request;* column 5, line 63 – column 6, line 10; column 6, lines
>
> 11-23. Dahm specifically specifies the use of both wired and wireless networks. Column
>
> 6, lines 1-3. Column 9, lines 46-64
>
> *formatting the received response to the challenge question to the common format*
>
> *for processing by the self-service application; and* column 6, lines 11-23
>
> *transmitting a confirmation of execution of the received self-service request to the*
>
> *user if the user access request is validated.* Column 10, lines 30-51

15.   In regard to claims 10, 22, Dahm disclosed:

> *receiving the user access request in the common format;* column 6, lines 11-23
>
> *selecting the responsive query based on the user identifier;* column 10, lines 30-

51

receiving the received response to the challenge question in the common format;

column 6, lines 11-23

determining if the user access request is valid based on the received response to

the challenge question; and column 10, lines 30-51

servicing the user access request only if the user access request is valid.

Column 10, lines 30-51

16.   In regard to claim 12, Dahm disclosed:

the responsive query comprises a text query and the user access request

comprises another text query. Column 10, lines 30-51

17.   In regard to claim 23, Dahm disclosed:

the validation circuit and the service circuit comprise the self-service application.

Column 10, lines 30-51

18.   In regard to claims 26-28, Dahm disclosed:

the network password and/or account privileges management self-service

application comprises a network password management self-service application. Column

10, lines 30-51

19.   In regard to claims 29-31, Dahm disclosed:

the challenge question comprises the user's mother's maiden name, the user's

favorite color, the user's favorite brand of cereal and/or at least a portion of the user's

telephone number. Column 10, line 29

Conclusion

20.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Ahuja et al.	US 2001/0056402 A1
Guthrie et al.	US 2002/0052841 A1
Racov	US 2002/0152179 A1
Hyyppa et al.	US 2002/0187772 A1

Minh, Hoang Nguyen et al. "User profile replication with caching for distributed location management in mobile communication networks." Proceedings of the 2001 ACM symposium on Applied Computing. ACM Press. March 2001. 381-386.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
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/Jason D Cardone/
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